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Richard L. Sallquist, Esq. (002677)
SALLQUIST & DRUMMOND, P.C.
4500 South Lakeshore Drive, Suite 339
Tempe, Arizona 85282

Telephone: (480) 839-5202 Fax: (480) 345-0412

Attorneys for Virgin Mountain Utilities Company

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2008 FEB -4 P 3: 06

Arizona Corporation Commission

DOCKETED

FEB - 4 2008

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION OF)
VIRGIN MOUNTAIN UTILITIES COMPANY)
FOR AN EXTENSION OF ITS CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO)
PROVIDE WATER SERVICE IN MOHAVE)
COUNTY, ARIZONA AND APPROVAL OF A)
HOOK-UP FEE TARIFF.)

DOCKET NO. W-03551A-04-0325

RENEWED

MOTION FOR THE ISSUANCE
OF A CERTIFICATE OF
CONVENIENCE AND
NECESSITY

Virgin Mountain Utilities Company (the "Company" or "Applicant") herewith submits its Motion requesting the issuance of the Certificate of Convenience and Necessity pursuant to Decision No. 68449, dated February 2, 2006.

1. Commission Decision No. 68449, dated February 2, 2006 (the "Decision") granted an Order Preliminary to the Company requiring the filing of certain additional items prior to the Company requesting that the Commission issue the full Certificate of Convenience and Necessity ("CC&N").

2. On August 16, 2006, the Company filed a Motion for the Issuance of a Certificate of Convenience and Necessity, indicating that all compliance requirements of the Decision had been met.

3. The Commission Staff filed a Staff Report on December 4, 2006 indicating that the remaining compliance item was that the Physical Availability Determination ("PAD") from the Arizona Department of Water Resources ("ADWR") dated March 26, 2002 would need to be "updated".

1 4. On December 20, 2007, the Company filed a letter with Docket Control indicating
2 that the new hydrology report had been submitted to ADWR and that the Company hoped for an
3 early resolution of the water quantity issue.

4 4. On February 1, 2008 the Company docketed with Docket Control the updated
5 PAD demonstrating a minimum of 967.87 Acre Feet of available groundwater. That quantity is
6 adequate for substantially more than the Company's certificated area, and meets the additional
7 requirement of the December 4, 2006 Staff Report. A copy of that PAD is attached as
8 Attachment 1.

9 WHEREFORE, the Company respectfully requests that the Commission issue the full
10 Certificate of Convenience and Necessity for the area granted in Decision No 68449.

11 Respectfully submitted this 4th day of February 2008.

12 SALLQUIST & DRUMMOND, P.C.

13 By: 
14 Richard L. Sallquist

15 SALLQUIST & DRUMMOND, P.C.
16 4500 South Lakeshore Drive, Suite 339
17 Tempe, Arizona 85282
18 Attorneys for Virgin Mountain Utilities Company
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2 The original and fifteen copies of
3 the foregoing were filed this 4th
day of February, 2008:

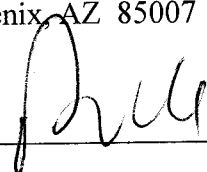
4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington St.
Phoenix, AZ 85007

7 Copies of the foregoing were mailed
8 this 4th day of February 2008 to:

9 Judge Marc Stern
10 Hearing Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

11 Legal Division
12 Arizona Corporation Commission
1200 W. Washington St.
13 Phoenix, AZ 85007

14 Utilities Division
15 Arizona Corporation Commission
1200 W. Washington St.
16 Phoenix, AZ 85007

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ARIZONA DEPARTMENT OF WATER RESOURCES

Office of Assured and Adequate Water Supply

3550 N. Central Ave, 2nd Floor, Phoenix, AZ 85012

Telephone 602 771-8585

Fax 602 771-8689



Janet Napolitano
Governor

Herbert R. Guenther
Director

January 31, 2008

Docket NOW035514-04-0325

Decision NO. 68449

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DOCKET CONTROL

Tom Stoddard
Virgin Mountain Utilities Co.
PO Box 668
Beaver Dam, AZ 86432

RE: Scenic Arizona-Virgin Mountain Utilities, Mohave County, Arizona
Application for a Physical Availability Demonstration
(ADWR #52-700385.0000)

Dear Mr. Stoddard:

The Department has completed its review of the application for a Physical Availability Determination for **Scenic Arizona-Virgin Mountain Utilities**. The Department received the application on July 26, 2007. The study area consists of Township 39 North, Range 16 West, Sections 10, 11, 14 & 15, GSR B&M in Mohave County in northwestern Arizona.

In accordance with A.A.C. R12-15-702(C), the Department determined that a minimum of 967.87 acre-feet per year of groundwater is physically available for 100 years under A.A.C. R12-15-716(B) for adequate water supply purposes in the study area. With regard to water quality for the purpose of A.A.C. R12-15-719(A), the provider you select must be in compliance with the Arizona Department of Environmental Quality drinking water compliance unit. With regard to water quality for the purpose of A.A.C. R12-15-719(B) the study area is not located within one mile of any known WQARF or Superfund site.

As with all PAD determinations issued by the Department, if the Department finds that the water supply is not available because the assumptions and information used in determining the physical availability under the current criteria prove incorrect, the Department will modify the availability of groundwater accordingly. The results of the Department's review fulfill the requirements of R12-15-703(B) and may be cited in applications for determinations of adequate water supply. These applications have certain additional requirements based on the assured water supply criteria referenced in A.R.S. § 45-108 and A.A.C. R12-15-701 et seq. For further information on these requirements, please contact the Office of Assured and Adequate Water Supply at (602) 771-8585.

The Department's determination is an appealable agency action. In order to appeal this decision, you must request an appeal within thirty (30) days from receipt of this letter. I have enclosed a summary of the appeals process and an appeal form should you wish to pursue this option.

If you have any questions regarding this Physical Availability Demonstration, please contact Rick Obenshain at (602) 771-8585.

Sincerely,

Sandra Fabritz Whitney
Assistant Director, Water Management

ATTACHMENT 1